SHARP™
SEXUAL HARASSMENT/ASSAULT RESPONSE & PREVENTION

Annual Unit Refresher/ Pre- & Post-Deployment Training

Terminal Learning Objective

Video (CSA)

Action

Demonstrate behavior consistent with the Army's Sexual Harassment/Assault Response and Prevention (SHARP) Program

Condition

In a classroom environment, with facilitated group discussions, student handouts, videos, and simulated real-life scenarios involving potential and actual sexual harassment and sexual assault.

Standard

Describe the impact of sexual harassment and sexual assault on the Army, examine strategies to prevent sexual harassment and sexual assault, discuss support resources available to complainants of sexual harassment and victims of sexual assault, penalties for sexual harassment and sexual assault offenders, and DOD Sexual Assault Prevention and Response (SAPR) and Army SHARP Program. Participate in all discussions and complete practical exercises with 100 percent accuracy.

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The Impact

Bottom Line:

Sexual harassment and sexual assault endanger lives of individuals and threaten the Army's mission.

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Historical Timeline

VICTIM FOCUS

Reactive

OFFENDER FOCUS

Proactive

1964 — Title VII

1981 — Merit Systems Protection Board (MSPB) Survey

1982 — Prevention of Sexual Harassment (POSH) Training Requirement

1988 — Dept. of Defense Task Forces

1991 — Tailhook

1997 — Aberdeen

2003 — Air Force Academy — Sexual Assault Prevention and Response Office (SAPRO)

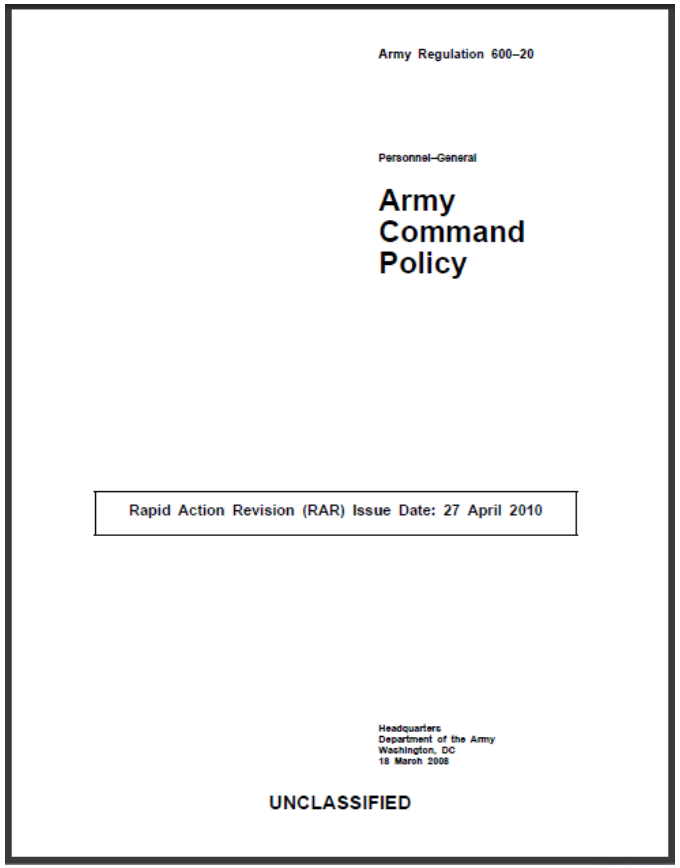
2004 — Sexual Harassment/Assault Response & Prevention (SHARP)

2008

2014

Definition of Sexual Harassment

What is Sexual Harassment?



Army Regulation 600–20

Personnel–General

Army Command Policy

Rapid Action Revision (RAR) Issue Date: 27 April 2010

Headquarters
Department of the Army
Washington, DC
18 March 2008

UNCLASSIFIED

- **Sexual harassment is a form of gender discrimination**
- **Sexual harassment includes unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:**
  - **Submission to or rejection of is made a term or condition of a person's job, pay, career;**
  - **Submission to or rejection of is used as a basis for career or employment decisions;**
  - **Conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work**

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Definition of Sexual Assault

What is Sexual Assault?

- **Sexual assault is a crime.**
- **Sexual assault is defined as: Intentional sexual contact characterized by the use of force, threats, intimidation or abuse of authority or when the victim does not or cannot consent.**
- **The term includes a broad category of sexual offenses of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses.**

DODI 6495.02, 28 MAR 2013

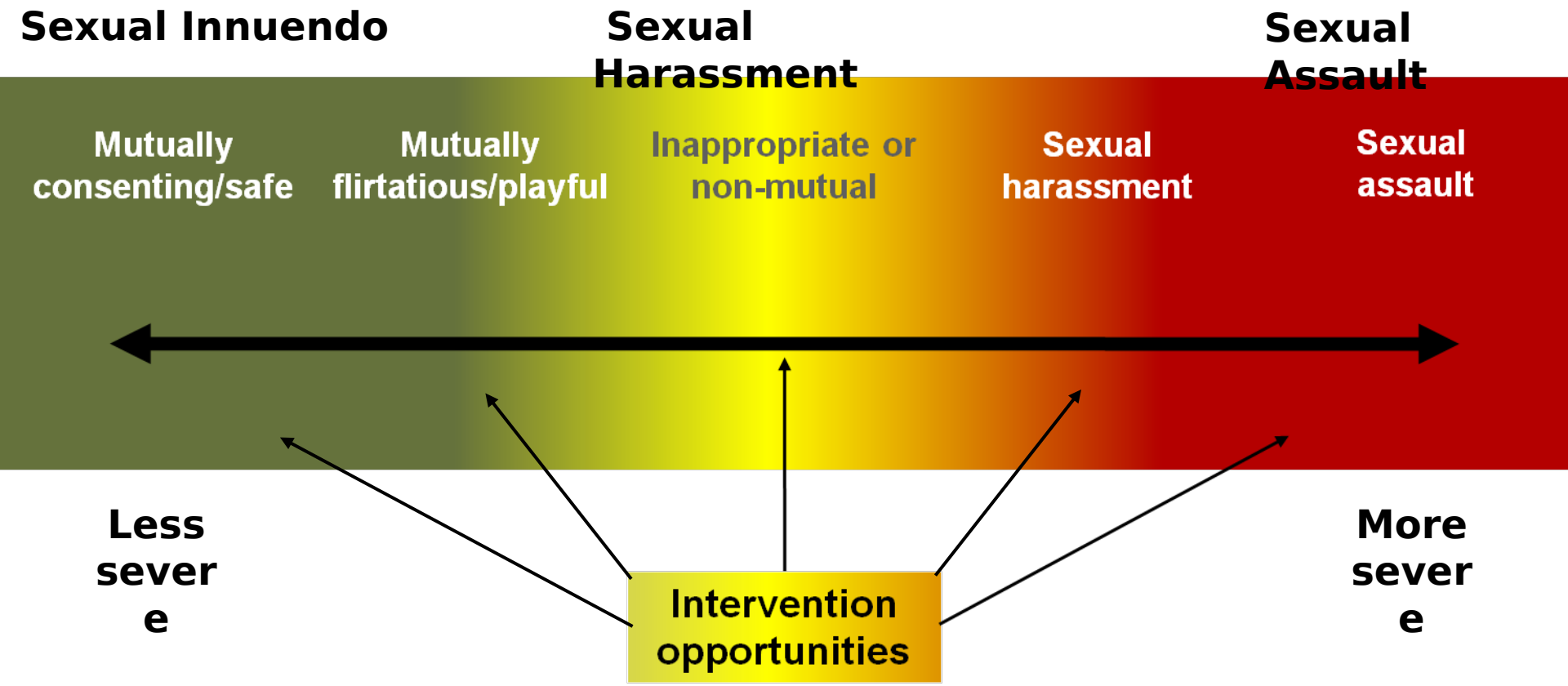
Sexual Harassment vs. Sexual Assault

What is the difference between sexual harassment and sexual assault?

Sexual harassment involves verbal, nonverbal, and physical behaviors

Sexual assault involves "sexual contact" as defined in Article 120 of the Uniform Code of Military Justice (UCMJ)

Continuum of Behaviors



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BREAK

Real Time Impact, Part II

Orientation Video

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Army Policy on Sexual Harassment

- **Sexual harassment is unacceptable and will not be tolerated**
- **Sexual harassment destroys teamwork and negatively affects combat readiness**
- **Army leadership at all levels will be committed to creating an environment conducive to maximum productivity and respect for human dignity**
- **The success of the mission can be achieved only in an environment free of sexual harassment for all personnel**
- **The prevention of sexual harassment is the responsibility of every Soldier and Department of the Army (DA) Civilian and Family members; leaders set the standard for Soldiers and DA Civilians to follow**

Ref: AR 600-20

Sexual Harassment Checklist

- **Is the behavior sexual in nature?**
- **Is the behavior unwelcomed?**
  - **The harasser's intent is NOT the determining factor**
- **Would a reasonable person find the behavior to be inappropriate?**
  - **Apply the "Reasonable Person Standard"**

One or more of the following:

- **Do the elements of power, control, or influence exist?**
- **Does the behavior create a hostile or offensive environment?**

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Categories of Sexual Harassment

Verbal

- Telling sexual jokes
- Using sexually explicit profanity or threats, sexually oriented cadences, or sexual comments
- Whistling in a sexually suggestive manner
- Describing certain attributes of one's physical appearance in a sexual manner
- Using terms of endearment in referring to Soldiers, DA Civilians, or Family members

Nonverbal

- Staring at someone, blowing kisses, winking, or licking one's lips in a suggestive manner
- Displaying inappropriate printed material (e.g., sexually oriented pictures or cartoons)
- Using sexually oriented screen savers on one's computer
- Sending sexually oriented notes, letters, faxes, or e-mail

Physical contact

- Touching, patting, pinching, bumping, or grabbing
- Cornering or blocking a passageway
- Providing unsolicited backrub/neck rub

Types of Sexual Harassment

Quid Pro Quo/Sexual Coercion ("This for That")

- **Demanding sexual favors in exchange for a promotion, award, or favorable assignment**
- **Disciplining or relieving a subordinate who refuses sexual advances**
- **Threatening a poor job evaluation for refusing sexual advances**

Hostile Environment

- **Subjected to offensive, unwanted, and unsolicited comments or behaviors of a sexual nature. If these behaviors unreasonably interfere with an individual's performance then the environment is classified**
  - **Derogatory, gender-biased terms**
  - **Sexually suggestive pictures or jokes**
  - **Unwanted touching**

Remember, a third party—not just the object of the attention—can also view behaviors as sexually harassing!

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Sexual Harassment Policy Distinctions

Military

- **Policy applies on and off duty hours**
- **The workplace is all the time (including off duty) and everywhere (including barracks, etc.)**
- **Victims do not have the right to sue the offender**
- **Victims are encouraged to confront offenders; however, supervisors/ managers are responsible for confronting offenders once they know of the harassment.**
- **Formal complaints are managed by the commander.**
- **Soldiers have 60 calendar days from the date of the alleged incident in which to file a formal complaint.**
- **Family members are eligible to file complaints**

DA Civilians

- **Policy only applies while on duty.**
- **The workplace is more narrowly defined to the actual office/workplace and areas associated with working.**
- **Victims have the right to sue through the administrative process provided in 29 Code of Federal Regulations (CFR) Part 1614.**
- **Victims are encouraged to confront the offender also; however, supervisors/ managers are responsible for confronting offenders once they know of the harassment.**
- **Formal complaints are managed by Equal Employment Opportunity (EEO) personnel.**
- **DA Civilians must contact the EEO Office within 45 days of the harassment.**

REF: AR 690-

Practical Exercise 1: Scenario A

Ms. Leslie Robinson, a DA Civilian, works in the "cube farm" environment. One day, Staff Sergeant (SSG) Bill Evans stopped by Specialist (SPC) Mark Fields' cubicle to talk about Ms. Robinson's breasts and butt. SSG Evans told SPC Fields that he would like to take Ms. Robinson back to the barracks and "let her teach him a few things." Ms. Robinson did not hear any of it, but two other co-workers, Sergeant (SGT) John Weaver and SPC Tina Michaels did. SGT Weaver observed that SPC Michaels was uncomfortable with the conversation.

Later in the day, SSG Evans and SPC Fields passed SPC Michaels and SGT Weaver in the break room, after which SPC Michaels confides in SGT Weaver that she does not want to work with SSG Evans nor SPC Fields. She says that was not the first off-color remark she has heard from SSG Evans, and she doesn't want to work with him if that's how he is going to talk about women. SPC Michaels also mentioned that she was going to tell Ms. Robinson about the remarks when she returned to the office in the morning.

The next morning, SPC Michaels tells Ms. Robinson about SSG Evans' comments. Ms. Robinson becomes very angry and decides to file a

Practical Exercise 1: Scenario B

SPC Jonathan Williams is assigned to Bravo Company and services information technology (IT) equipment at a Forward Operating Base in Afghanistan. Captain (CPT) Rebecca Switzer is SPC Williams' company commander. One evening, CPT Switzer asks SPC Williams to come to her hooch to repair her laptop. While SPC Williams is working, CPT Switzer takes off her uniform and walks around in her bra and panties. She then walks up behind SPC Williams and begins rubbing his shoulders. SPC Williams says he needs to go back to his office to do some work. CPT Switzer says, "If you give me what I want, I'll make sure that you are able to go home on R&R in time for your son's birthday." SPC Williams insists that he has to get back to the office. The next day, he avoids CPT Switzer and informs First Sergeant (1SG) Mary Green of the incident.

Practical Exercise 1: Scenario C

Carla Olsen is the 18-year-old daughter of Sergeant First Class (SFC) Roger Olsen from Fort Bragg, North Carolina (NC). While at the Post Exchange one summer day, Carla and her friend, Britney, decide to have lunch. When Britney bends down to pick up some change she dropped, PFC Ryan Allen comments on the tattoo on her lower back. Just then, SPC Sam King walks by and whistles at Carla. Carla looks over at him and he winks and licks his lips. Carla looks at him, frowns, and shakes her head. She asks him what unit he's from, but he ignores her and walks away.

Responses to Sexual Harassment

- **Direct approach**
  - **Confront the harasser and inform the person that the behavior is not appreciated or welcomed and that it must stop**
  - **Focus on behavior and its impact—offer behavior-centered feedback**
- **Indirect approach**
  - **Address the harasser without a face-to-face conversation (e.g., send a letter)**
- **Third-party assistance**
  - **Ask someone else to talk to the harasser, to accompany the complainant, or to intervene on behalf of the complainant to resolve the conflict**
- **Chain of command**
  - **Report the behavior to your immediate supervisor or others in the chain of command and ask for assistance in resolving the situation**

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Complaint Check

Description	Formal Complaint	Informal
Complaint Subject to Timelines Not filed in Writing		
Requires an official investigation		
Requires a reprisal plan		

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Admin & UCMJ Sexual Harassment Penalties

Admin Penalties
Mandatory counseling
Discharge from service
Bar to re-enlistment
Adverse performance evaluations
Relief for cause
Administrative reduction
Admonition
Reprimand
Admin withholding of privileges
Rehabilitative transfer to another unit

UCMJ Penalties		
Offense	**Article**	**Maximum Penalties**
Failure to obey order or regulation	92	Bad Conduct Discharge (BCD), 6 months confinement, and forfeiture of all pay and allowances
Cruelty and maltreatment	93	Dishonorable Discharge, 1 yr confinement, and forfeiture of all pay and allowances
Provoking speeches or gestures	117	6 months confinement and forfeiture of 2/3 of all pay and allowances for 6 months
Indecent language	134	BCD, 6 months confinement, and forfeiture of 2/3 of all pay and allowances

Army Policy on Sexual Assault

- **Sexual assault is a criminal offense.**
- **It degrades mission readiness.**
- **Soldiers who are aware of a sexual assault incident should report it immediately (within 24 hours).**
- **Sexual assault is incompatible with Army Values and is punishable under the UCMJ and other federal and local civilian laws.**
- **All victims of sexual assault will be treated with dignity, fairness, and respect.**

Applies 24/7 On and Off Post

Restricted vs. Unrestricted Reporting

Restricted Report	Unrestricted Report
Benefits •Access to medical, advocacy, legal, and counseling services •Receive the Sexual Assault Forensic Examination (SAFE) •Control the release of personal information •Can change to Unrestricted Report at any time	**Benefits** •Access to medical, advocacy, legal, and counseling services •Receive the SAFE •Alleged offender *may* be held accountable •Command support •Can receive protective order (Military Protective Order [MPO] or Civilian Protective Order [CPO])
Limitations •The alleged offender will not be held accountable •Ineligible for expedited transfer or reassignment •No command support •Cannot receive a protective order	**Limitations** •More people will know about the sexual assault •Investigation may be intrusive and difficult •Cannot change to Restricted Report

Filing Restricted vs. Unrestricted Reporting Con't

Restricted Report	Unrestricted Report
Who can file a report: •SARC/SHARP Specialist •VA/SHARP Specialist •Healthcare Provider	**Who can file a report:** •SARC/SHARP Specialist •VA/SHARP Specialist •Healthcare Provider •CID •Commander •JAG •IG
Limitations •Chaplains – can not file a report, but remains confidential	**Limitations** •More people will know about the sexual assault •Investigation may be intrusive and difficult •Cannot change to Restricted Report

Definition of Consent

What is Consent?

- **Consent will not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, or coercion or when the victim is asleep, incapacitated, or unconscious.**
- **A person cannot consent to sexual activity if he or she is substantially incapable due to:**
  - **Mental impairment or unconsciousness resulting from consumption of alcohol, drugs, or a similar substance**
  - **Mental disease or defect which renders the person unable to understand the nature of the sexual conduct at issue**
  - **Physically declining participation in the sexual conduct at issue**
  - **Physically communicating unwillingness to engage in the sexual conduct at issue**

Obtaining Consent: Scenario 1

- **SSG Emily Barnes calls SSG Kevin Nash to pick her up from a bar and take her home. Though heavily intoxicated, SSG Barnes asks SSG Nash to walk her up to her apartment, where she tells him she wants to have sex with him. Once they enter her apartment, SSG Barnes begins kissing SSG Nash. SSG Nash kisses her back and asks her where the bedroom is. SSG Nash guides SSG Barnes to her bedroom and he begins to undress. While he's undressing, SSG Barnes lays back and passes out. SSG Nash undresses SSG Barnes and begins performing oral sex on her attempting to arouse her even though she is passed out.**

  - **Has SSG Nash obtained consent from SSG Barnes in this situation?**

Obtaining Consent: Scenario 2

- **SGT David Kenworthy and SPC Olivia Clark are off-base and begin making out. SGT Kenworthy begins to undress SPC Clark, who "seems to want it." As they kiss, she says "yes" but as he goes to remove her skirt, she says "no" and places his hands back on her shoulders.**
  - **Has SGT Kenworthy obtained consent from SPC Clark in this situation?**

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BREAK

Real Time Impact, Part I

Soldier Training Video

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Rule 514

DTFSAMS

- **A victim has a privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made between the victim and a victim advocate, in a case arising under the UCMJ, if such communication was made for the purpose of facilitating advice or supportive assistance to the victim.**
- **"Confidential communication" also applies to records the Sexual Assault Response Coordinator (SARC)/SHARP and Victim Advocate (VA)/SHARP Specialists maintain pertaining to communications with the victim. These communications with SARC/SHARP and VA/SHARP Specialists and their associated records are considered privileged and are not to be released to others, including to commanders or law enforcement personnel.**

Expedited Transfer Requests

- **Sexual assault victims who file an unrestricted report can request an expedited transfer/reassignment from their current unit**
- **The request must be submitted in writing using DA Form 4187**
- **Commander (battalion or above) has 72 hours to recommend approval or disapproval of the request if he or she cannot otherwise approve the request**
- **The transfer or reassignment may be:**
  - **Another unit at a different geographical location***
  - **A different unit on the installation**
  - **Another company within the same battalion**
  - **Another battalion within the same brigade**
  - **Another brigade within the same division**

***All permanent change of station (PCS) requests must be approved by the commander of Human Resources Command (HRC)**

Protective Orders

- **Military Protection Order (MPO)**
  - **Will remain in effect until such time as the commander terminates the order or issues a replacement order**
  - **Issuing commander shall notify the appropriate civilian authorities of any change made in a protective order, or its termination and the termination of the protective order, or its issuance if the Soldier and any individual involved does not reside on a military installation at any time during the MPO**
  - **Are not enforceable by civilian authorities off post. Off-base violations of the MPO should be reported to the issuing commander, Department of Defense (DOD) law enforcement, and Criminal Investigation Division (CID) for investigation**
- **Civilian Protection Order (CPO)**
  - **Shall have the same force and effect on a military installation as such order has within the jurisdiction of the court that issued such order**

Ensuring Victim Safety: Scenario

SSG Barnes wakes up the next day and realizes that while she was passed out, SSG Nash had sex with her. She confronts him, and he informs her that she "wanted it." SSG Barnes decides to file a report, and SSG Nash calls her to tell her that unless she drops the charges, he will "see to it that she regrets it." SSG Barnes fears for her safety since SSG Nash is also in her unit, so she decides to file an Unrestricted Report and approaches the SARC/SHARP Specialist to ask about options for her safety and an expedited transfer.

1. **How long is an MPO in effect?**
2. **Who has to be notified of the MPO?**
3. **Are MPOs enforceable by civilian law enforcement? Does she have any other off-base options?**
4. **After the commander receives SPC Clark's expedited transfer request, how much time does he/she have to make a decision?**
5. **If SPC Clark's transfer request involved a permanent change of station (PCS), who has the authority to approve?**

Offense Types

- **Nonstranger**
  - **Most common type of sexual assault; includes acquaintance rape, drug-facilitated rape, and marital rape**
- **Stranger**
  - **Stranger rape is less likely to occur than nonstranger rape**
- **Gang and multiple rapes**
  - **Victim usually knows or has been acquainted with at least one member of the grou**
- **Drug-facilitated sexual assault**

Bystander Intervention Process

1. Notice the event along a continuum of behaviors
2. Interpret the event or behavior as a problem
3. Feel responsible for solving the problem
4. Choose how to intervene
5. Build the culture to eliminate the problem

Civilian & UCMJ Sex Offense Penalties

U.S. Code 18, Chapter 109 (Civilian) Penalties		
Offense	**Section**	**Maximum Penalties**
Aggravated Sexual Abuse	2241	20 years in prison
Sexual Abuse	2242	20 years in prison
Sexual Abuse of a Minor or Ward	2243	15 years in prison
Abusive Sexual Contact	2244	10 years in prison
Sexual Abuse Resulting in Death	2245	Death, life in prison

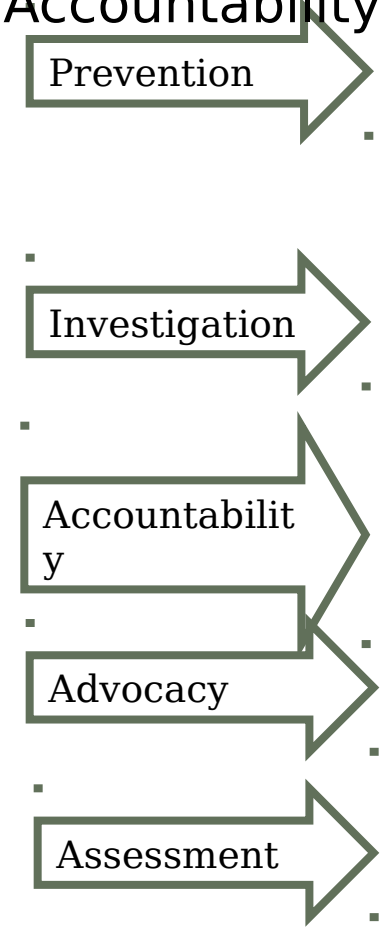
UCMJ Penalties		
Offense	**Article**	**Maximum Penalties**
Rape	120	Death
Sexual Assault	120	Dishonorable Discharge, forfeiture of all pay and allowances, 30 years confinement
Aggravated Sexual Assault	120	20 years + Dishonorable Discharge and forfeiture of all pay and allowances
Abusive Sexual Assault	120	Forfeiture of all pay and allowances, 7 years + Dishonorable Discharge
Sodomy	125	Dishonorable Discharge, forfeiture of all pay and allowances, confinement for life without parole

Campaign Lines of Effort & SHARP Initiatives

	Objective	Initiatives
Prevention	Mutual respect/trust, professional values, reinforced to create environment where sexual assault is not tolerated.	❖ Special emphasis Pre-commissioning Training, Future Soldiers Training, and IMT ❖ I. A. M. Strong SHARP Training integrated into all aspects of Soldier/Civilian 'Life-cycle' training ❖ Publish Commander's SHARP Guidebook to implement and maintain program ❖ Revitalizing the Sponsorship Program through Command emphasis ❖ Reviewing linkage of SHARP and increasing opportunities to women due to repeal of DGCAR
Investigation	Investigative resources yield timely and accurate results.	❖ Special Victims Capability: Investigation/Prosecution training for CID agents and prosecutors ❖ 23 Special Victim Prosecutors Army-wide ❖ 22 Special Victim Investigators (Additional 7 X Investigators in FY14) ❖ Team Approach: Coordination with CID &JAG on every SA case ❖ Dedicated Paralegal Support (Directed Military Over strength) 2013 ❖ Victim Witness Liaison at every General Court-Martial Jurisdiction ❖ Trial Counsel Assistance Program (TCAP) reach back assistance and direct support
Accountability	Perpetrators & CofCs are held appropriately accountable.	❖ Revised Command Climate Survey Policy to address SHARP & increase commander awareness ❖ Initiated BDE & BN Commander 360 Assessment Program ❖ Implemented Policy to require mandatory OER comments addressing unit's SHARP climate ❖ Recurring CSA-led SHARP Summits with senior Army leadership ❖ Developing rigorous screening and behavior health assessments for positions of trust ❖ Expanded Commander's legal courses ❖ Sex Offenders OCONUS Reassignment & Retainability Policy
Advocacy	Quality services, support to instill confidence, inspire victims to report, restore resilience.	❖ Recurring CSA-led SHARP Army Advisory Panel that includes victims ❖ Building a Professional Team: SARC/VA Schoolhouse pilot course JAN '14; FOC in 4th Qtr, FY14 ❖ Increased role & presence of SARCs & VAs across our formations ❖ Special Victim Counsel Program: reporting triggers multidisciplinary team approach to victim advocacy; program covers entire 'life-cycle' of case
Assessment	Meaningful, and accurate systems of measurement and evaluation.	❖ Executed 'Red Team' Program in FY 2012-2013 to assess program effectiveness ❖ Commander Risk Reduction Dashboard and Strategic Management System "SMS" reporting ❖ ARI-led Field Focus Group Assessments, 1st & 2nd Qtr, FY14: Define perceptions of Army culture ❖ Metrics used to measure compliance with current regulatory standards ❖ Response Systems Panel support

LOE Check

LOEs: Prevention, Investigation, Assessment, Advocacy, Accountability



- **Ensure the chain of command understands that its responsibility is to create a positive command climate and environment of trust, dignity, and respect in which every Soldier, Civilian, and Family member can thrive and achieve their full potential by eliminating sexual harassment and sexual assault and stopping offenders from committing crimes.**
- **Ensure that every report is examined thoroughly, fairly, and competently to make a positive impact upon the culture, command climate and ensure that victims feel free to report without fear of reprisal.**
- **Ensure that the chain of command is fully engaged, holding every individual, unit, organization, and commander appropriately responsible for behaviors, actions, and inactions, and that it takes appropriate actions based upon investigations.**
- **Provide compassionate, best-in-class care, support, and protection for victims, and protect the rights and privacy of survivors.**
- **Analyze, evaluate, and improve the Army's strategy, methods, and techniques for eliminating sexual harassment and sexual assault in its ranks using Army research and evaluations, as well as input from national experts in the field of prevention, response, and advocacy.**

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SARC and VA Responsibilities

Responsibility	SARC	VA
Provide care and Support to victims	X	X
Process reports of Sexual assault	X	X
Facilitate SHARP Training	X	X
Enter data into ICRS and DSAIDS	X	
Securely store DD 2910 And DD 2911	X	
Provide 24/7 response capability	X	X

Command Responsibilities for Prevention

Commanders will:

- **Lead by example**
- **Establish a climate of prevention**
- **Post written Army sexual assault and sexual harassment policy letters and victim services information**
- **Ensure Soldiers and DA Civilian employees receive annual SHARP training**
- **Ensure SHARP personnel are appointed at the appropriate unit level, are trained, and are certified**
- **Conduct periodic assessments of the unit's or organization's SHARP**

Whose Responsibility?

Strategy for Cultural Change

A good strategy to facilitate cultural change may include the following components

- **Knowledge of current statu**
- **Vision for the future**
- **Goals**
- **Training**
- **Research**
- **Participation**

Summary

In this lesson, we described the impact of sexual harassment and sexual assault on the Army, discussed support resources available to complainants of sexual harassment and victims of sexual assault, penalties for sexual harassment and sexual assault offenders, and DOD Sexual Assault Prevention and Response (SAPR) and

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SEXUAL HARASSMENT/ASSAULT RESPONSE & PREVENTION

Reminder : If You Need Help

Installation 24/7 Helpline:

Insert your # here

DoD Safe Helpline:

(877) 995-5247